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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/623,335	07/17/2003	Gary Stephens	22171.365	3288

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EXAMINER
GONZALEZ, AMANCIO

ART UNIT	PAPER NUMBER
2617	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/623,335	STEPHENS ET AL.
	Examiner	Art Unit	
	Amancio Gonzalez	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 March 2007*.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 1-6, and 8-13 are rejected under 35 U.S.C. 102(e) as being anticipated by

Picha et al. (US 20040235477 A1), hereafter "Picha."

Consider claim 1, Picha discloses a method for performing a hard handoff of a

call for a mobile unit operating in a packet communications network **(see the abstract**

lines 1-2, pars. 0001, 0005, 0012, 0018, 0019, where Picha discusses a hard

handover in a packet switch network). Picha discloses establishing a first link

between a node connected to an existing radio resource serving the call and a target

media gateway connected to a target radio resource for serving the call after the hard

handoff **(see pars. 0006)**. Picha discloses, before the hard handoff is executed,

simultaneously transmitting call information from both the target radio resource and the

existing radio resource to the mobile unit **(see pars. 0024, figs. 2, 4, where Picha**

discusses a source media gateway and a target media gateway communicating

simultaneously with a mobile terminal, designated Other Terminal 32, previous to

performing a hard handover). Picha discloses executing the hard handoff **(see pars. 0026, 0027, figs. 3, 6).** Picha discloses wherein after the hard handoff is executed, transmitting the call information [takes place] only from the target radio resource **(see par. 0025 and fig. 3, where Picha discusses the communication switched from RNC 16A to RNC 16B).**

Consider claim 9, Picha discloses performing a hard handoff in a first packet voice network **(see the abstract lines 1-2, pars. 0001, 0005, 0012, 0018, 0019, where Picha discusses a hard handover in a packet switch network).** Picha discloses detecting a potential handoff situation of a mobile unit to a target radio resource connected to the first packet voice network **(see pars. 0003, 0023).** Picha discloses establishing a speech path, from an existing node associated with an existing radio resource, to the target radio resource through a target node associated with the target radio resource **(see pars. 0024, where Picha discussing establishing a communication path between a mobile terminal, element 32 in figs. 2 and 3, and source and target radio resources, elements 16A and 16B in fig. 2, and further discusses voice transmission through the established path, as disclosed in pars. 0019-0021).** Picha discloses instructing the target node to transmit speech to the mobile unit through the target radio resource before the hard handoff occurs **(see pars. 0024, figs. 2, 4, where Picha discusses a source media gateway and a target media gateway communicating simultaneously with a mobile terminal, designated Other Terminal 32, previous to performing a hard handover, *inherently* instructing the target radio resources to establish communication with the mobile terminal,**

which path may support voice transmission, as discloses in pars. 0019-0021).

Picha discloses performing the hard handoff **(see pars. 0026, 0027, figs. 3, 6).**

Consider claim 2, Picha teaches claim 1 above, and further teaches wherein the

call is a packet voice call and the first link between the node and target media gateway

is for transmitting packet voice call information (see pars. 0019-0021).

Consider claims 3 and 4, Picha teaches claim 1 above, and further teaches the

precondition and post-condition of network elements involved in the process of a hard

handoff (see pars. 0003, 0023, 0024, 0026, 0027, figs. 2, 3).

Consider claim 5, Picha teaches claim 1 above, and further teaches wherein the

packet communications network is a Code Division Multiple Access (CDMA) network

and the mobile unit is a cellular telephone (see claim 4, par. 0016).

Consider claim 6, Picha teaches claim 1 above, and further teaches wherein the

node is an existing media gateway (see the Abstract lines 18-25, par. 0006).

Consider claim 8, Picha teaches claim 1 above, and further teaches wherein the

system *inherently* includes a call server (see abstract, par. 0006, where Picha discusses

the system including a mobile switching center and base stations).

Consider claim 10, Picha teaches claim 9 above, and further teaches wherein the

target node is a target media gateway connected to a second packet voice network

different from the first packet voice network (see pars. 0012, 0023, where Picha

discusses intra-MSC and inter-MSC handover, each MSC containing its own gateway

set).

Consider claims 12 and 13, Picha teaches claim 9 above, and further teaches

wherein upon completion of the hard handoff, stopping a transmission of speech to the

mobile unit from a previously used radio resource (see par. 0006 lines 7-15 and figs. 2,

3).

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.
2.   Ascertaining the differences between the prior art and the claims at issue.
3.   Resolving the level of ordinary skill in the pertinent art.
4.   Considering objective evidence present in the application indicating obviousness or nonobviousness.

5.   Claims 7 and 14-20 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Picha et al. (US 20040235477 A1), hereafter "Picha," in view of Denman et al. (US

Pat 6490451), hereafter "Denman."

Consider claim 14, Picha discloses media gateways **(see the abstract lines 13-**

25, par. 0006 lines 1-7). Picha discloses a *media gateway* control interface for

receiving control information from a remote node **(see the abstract lines 18-25, where**

Picha discusses a set of termination, which read on *interface,* to communicate

with a remote node, i.e., a mobile terminal 32 in fig. 2). Picha discloses first, second,

and third call ports for transmitting and receiving packet call information **(see pars.**

0024, 0030, where Picha discusses the media gateway establishing

communication via terminations T1, T2, T3). Picha discloses a processor for

performing instructions response to received control information **(see par. 0018, where**

Picha discusses an *inherent* media gateway processor).

Picha discloses identifying a potential hard handoff from a first radio resource to

a second radio resource **(see pars. 0003, 0023)**; Picha discloses splitting a speech path

from the first call port to both the second call port and to the third call port, wherein the

first call port connects to a first terminal unit, the second call port connects to a mobile

unit through the first radio resource, and the third call port connects to the mobile unit

through the second radio resource **(see pars. 0024, figs. 2, 4, where Picha discusses**

a source media gateway and a target media gateway communicating

simultaneously with a mobile terminal, designated Other Terminal 32, previous to

performing a hard handover, *inherently* instructing the target radio resources to

establish communication with the mobile terminal, which path may support voice

transmission, as discloses in pars. 0019-0021); Picha discloses completing of a hard

handoff from the first radio resource to the second radio resource **(see pars. 0026,**

0027, figs. 3, 6); Picha discloses dropping the second call port **(see the abstract lines**

18-25, fig. 3, the second port reads on T1), but does not particularly refer to

instructions stored in a memory to implement system communication functions. Denman

discloses instructions stored in a memory to implement the system communication

functions **(see col. 30 lines 39-51, where Denman discusses a set of instructions stored in memory for executing the functions inherent in the communication system).**

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of Picha and have it include instructions stored in a memory to implement the system communication functions, as taught by Denman, thereby providing means for incorporating transport and control facilities for voice, multimedia, and data traffic into a distributed packet-switched core network, as discussed by Denman **(see col. 1 lines 7-18)**.

Consider claims 7 and 11, Picha teaches claims 1 and 9 above respectively, but does not particularly refer to the node connected to a circuit-switched voice network. Denman discloses a node connected to a circuit-switched voice network (see col. 6 lines 37-39, col. 9 lines 57-59). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of Picha and have it include a node connected to a circuit-switched voice network, as taught by Denman, thereby providing means for incorporating transport and control facilities for voice, multimedia, and data traffic into a distributed packet-switched core network, as discussed by Denman (see col. 1 lines 7-18).

Consider claims 15 and 16, Picha, as modified by Denman, teaches claim 14 above; and Denman further discloses the precondition and the post-condition of network elements involved in the process of a hard handoff (refer to the hard handoff process as discussed by Denman -see col. 24 lines 46-65 and fig. 10).

Consider claims 17-19, Picha, as modified by Denman, teaches claim 14 above, and Picha further teaches inter-gateway call handling and port connections (see Picha: pars. 0006, 0024, figs. 2-4).

Consider claim 20, Picha, as modified by Denman, teaches claim 14 above, and Denman further discloses instructions to implement system communication functions (see Denman: col. 30 lines 39-51).

Conclusion

Any response to this Office Action should be **faxed to** (571) 273-8300 **or mailed to**:

> Commissioner for Patents
> P.O. Box 1450
> Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

> Customer Service Window
> Randolph Building
> 401 Dulany Street
> Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Amancio González, whose telephone number is (571) 270-1106. The Examiner can normally be reached on Monday-Thursday from 7:30am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Nick Corsaro can be reached at (571) 272-7876. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

Amancio González
AG/ag

May 29, 2007

NICK CORSARO
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